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Crl. O.P. No.1838 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl. O.P. No.1838 of 2026

1. M/s.Aishwarya Timbers,
Proprietor R.L.V.Ashok Kumar,
2. R.L.V.Ashok Kumar

..Petitioners

Vs

M/s.Vesthon Exports,
represented by its Manager and Power of Attorney,
Mr.Jaishankar.

..Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to set aside the condition imposed by the learned III Additional Sessions Court at Chennai that the petitioner shall deposit 15 percent of the cheque amount (i.e Rs.10,00,000/-) to the credit of STC.No.10608 of 2023 on the file of the trial Court within sixty days from the date of that order in Crl.MP.No.11331 of 2025 in C.A.No.1385 of 2025 dated 24.11.2025 against STC.No.10608 of 2025.

For Petitioners : Mr.M.Rajavelu



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ORDER

The present Criminal Original Petition has been filed seeking to set aside the condition imposed by the learned III Additional Sessions Court at Chennai that the petitioner shall deposit 15% of the cheque amount (i.e Rs.10,00,000/-) to the credit of STC.No.10608 of 2023 on the file of the trial Court within sixty days from the date of that order in Crl.MP.No.11331 of 2025 in C.A.No.1385 of 2025 dated 24.11.2025 against STC.No.10608 of 2025.

2. The brief facts of the case are as follows :-

2.1. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent against the petitioner before the learned XXVI Metropolitan Magistrate, Egmore, Chennai, in STC.No.10608 of 2023.

2.2. On 24.10.2025, the trial Court found the petitioners/accused guilty, convicted the second petitioner and sentenced him to undergo one year simple imprisonment and further directed him to pay the cheque amount of Rs.10,00,000/- as compensation, in default to undergo thirty days simple imprisonment.



2.3. Against the said judgment, the petitioners preferred an appeal in Crl.A.No.1385 of 2025 along with a petition in Crl.M.P.No.11331 of 2025 seeking suspension of sentence. On 24.11.2025, the learned III Additional Sessions Judge, Chennai, while suspending the sentence imposed on the second petitioner, directed him to deposit 15 % of the compensation amount before the trial Court within sixty days from the date of the said order. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioners submitted that due to financial constraints, the petitioners are unable to mobilize the amount. He further submitted that the petitioners have a good and meritorious case in appeal. Therefore, he prayed that the order directing the petitioners to deposit 15% of the compensation amount may be set aside.

4. Having heard the learned counsel for the petitioners and perused the materials available on record, this Court is of the view that the appellate Court, while holding that the petitioners/appellants have made out arguable points in the main appeal, has suspended the sentence imposed on the second petitioner and imposed certain conditions. However, taking into account the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners that there are arguable grounds in the appeal and that



they have a good case on merits, this Court is inclined to modify the condition imposed by the appellate Court in Crl.M.P.No.11331 of 2025 in Crl.A.No.1385 of 2025 dated 24.11.2025. Accordingly, the direction to deposit 15 % of the compensation amount is hereby modified as 7.5 %. It is also made clear that all other conditions remain unaltered.

5. At this juncture, the learned counsel appearing for the petitioners prayed that some reasonable time may be granted to the petitioners to comply with the said condition.

6. Accordingly, the petitioners are directed to deposit 7.5 % of the compensation amount before the trial Court within a period of **four weeks** from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition stands disposed of.

30-01-2026

Neutral Citation: Yes/No
MRN



To

1. The III Additional Sessions Court at Chennai.

2. The XXVI Metropolitan Magistrate,
Egmore, Chennai.



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A.D.JAGADISH CHANDIRA, J.

MRN

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